

# SAYS JAIL GATE OPENED FOR McGRATH ESCAPE

## GOUGH'S STORY CHARGES GRAVE LAXITY TO OFFICIALS AT JAIL

Drinking, Gambling and Visits of Notorious Women Permitted, He Declares

(Continued from page one)

lay sleeping, a call came from the office to prepare two beds for some expected prisoners being sent over from the police station. I was very soon to learn why they were to be located in the hospital. They arrived about 10 p. m.—Jack Scully and Jack McGrath, both of them apparently under the influence of liquor and carrying more liquor.

"A guard was placed on them and the following day three show-girls came to visit them late in the afternoon."

"Shortly after both secured bond and they left. When they left, they said, 'We'll see you again.'"

"Back Again. They surely did. About two weeks later McGrath and Bert Bower arrived in charge of Sam Lee. Both were loaded—staggered. Sam had ammunition in reserve. Sam stayed till 11 p. m."

"These two arrived at 9:30 p. m. and at 10:30 p. m. Bower came in. There was drinking all night long and they made arrangements for a continual supply from the Kentucky as soon as possible."

"At this point Gough has given to the county attorney's office the name of a bartender who is said to have been a go-between to secure booze and tobacco for the men and who, Gough says, had free access to them. He has also furnished the name of another man claimed to be their agent in getting booze."

"Any time any of them wanted more booze—and they wanted it very often—Gough routinely, 'they used to go to the telephone and order more. Gambling was in full swing and often there was big stakes on the table.'"

"At this point Gough's story takes a somewhat amusing turn. He says that all the prisoners used to gamble but that somehow as the game progressed Jack McGrath always won and usually the game broke up with McGrath having a corner on the table."

"He had a hole pocket of cards, marked deck, crystal ball, and he used to skin his own palms. There they would be, drinking and laughing and cutting up, and Jack would be getting all the dough."

"When they played they had to have booze all the time. The bottles and glasses would stand around in plain sight of the deputy and even of the jailer, Joe Fern. They used to ask me to have some. The deputy would take a drink but Fern wouldn't. However, he never stopped the gambling or the drinking."

"Says Women Brought Booze. Gough says that often women who came to see the prisoners would bring small flasks of whiskey with them usually concealed in their stockings, sometimes as many as four apiece. He has furnished the names of women of the red-light district who he asserts visited the jail and were freely admitted."

"In the case of one of the prisoners—the details fully specified—he says that this man was visited by a young girl, a Hawaiian girl who has been in the Girls Industrial Home. The girl was allowed to see the man and stay with him sometimes as much as two hours at a time, Gough says. He declares that when women came the prisoners would go with them into the dispensary and shut the door."

"The wives of the prisoners came very frequently and Gough says they often carried booze, concealed about their persons."

"One day a man named—(name in county attorney's possession)—came to the hospital and stayed there all afternoon drinking with them. A show-girl was with him. They were playing cards for money. When he left Jack (McGrath) went out over the fence. Mr. ——— waited with his car and the girl and they went out together. Jack returned drunk at 11:30 p. m. and in getting over the fence tore the knee of his pants."

"This is a sample of many incidents which Gough relates showing how easily the men came and went and what liberties they were allowed in the jail."

Liberties Given Men. The sort of diary that he kept contains other enlightening particulars. "Jack Mc. went out to see his wife tonight," runs one entry, "and was identified by Rapid Transit guard. He returned at 12:30."

Another entry: "Gambling very rife today. Complaints coming in to office and deputy warden told the chaps to cease, but he winked and the game continued. Bogs as usual the loser. I noticed that false cards were being used to play with. Jack asked me for a loan of \$2 to start playing crib—won \$10, returned my \$2."

Says (Wife) Women Among Visitors. Here is another entry: "All three out today on the pretense of getting bond. Came home full. When they returned they gave deputy box of cigars and telephoned for ——— and ——— (two women of the red-light district) to come round. They came at 7:30. ——— jumped the fence and ——— came through the gate."

He tells about a guard being on duty and allowing the women to go into the hospital room and gives briefly details of an orgy which followed. Apparently by this time the visits

outside of the men were beginning to be so noisy about that the jail authorities were alarmed. An entry tells about Henry Lewis coming to the hospital and goes on to say that outside people were talking of the "night trips and the deputy orders all except Bogs over to the jail." (Bogs was under a physician's care.) "But they saw Charley Rose and got returned to the hospital again."

More details follow of booze being furnished the men, also a note that Bert Bower went out one night to meet a girl.

"Perhaps, the policeman, was on duty that night, sleeping," the journal says. "He woke up once and asked for Bert and he was told that he was bathing. Jack McGrath said, 'Come on, we will play crib and they played 12 games or thereabouts until Bert came home.'"

How easily the guards were tricked—or how lax they were—is illustrated in entries in the diary and also what Gough has told the authorities. He says that when the prisoners wanted to go out at night for a stay of any length they would put a feather duster in each bed, so that the guard half-awake in the corridor would put out the light, and then "beat it."

Also illustrating the kind of guards put over the gangsters, Gough records this in his diary:

"The standing joke is, 'Where do I sleep?'—meaning the policeman when he comes on watch."

Other names are given of men who visit the prisoners, though in the case of officials or members of the police department Gough admits that he has no personal knowledge of the motives for their visits.

Lake and McDuffie Mentioned. Among those mentioned as visiting the prisoners are Harry Lake, special detective for the county attorney's office, and a man referred to in the diary as "McD," who says Gough was Captain of Detectives McDuffie. He says there was a good deal of conversation between the prisoners, and these men, much of it carried on in whispers in the dispensary.

Apparently Gough was suspicious of all the callers on the men in the hospital. He says he does not know what the conversations were about, which were carried on as stated above.

On one occasion, he notes, Lake opened a deal by prisoners. Opening the most remarkable of the entries is one which declares in brief that while supposedly in jail McGrath and Bower pulled off an opium deal with a Chinaman on Lelele street.

He says the two men secured word through one of their many agents on the outside of a shipment of opium landed from a Pacific Mail steamer. They had no trouble in getting away from the jail on some pretext and with the "dope," coming back with plenty of money and having a high old time gambling it away.

Both in his diary and in his later statements he tells of reports being made by new men on watch of the manner in which the prisoners were conducting themselves. But these reports, he says, were never repeated for the prisoners would telephone to someone in the police department and have the olonious guards removed.

Gough says that day after day and night after night the carousing and frequent outside visits went on. Sometimes for a day or two there would be a pretense of discipline enforced by the guards at the order of somebody higher up, but invariably, he alleged, the men would soon be given undue liberties. Sometimes they would be moved from the hospital and its freedom to the jail itself—on one occasion when the underground rumor went flying about that Scully had turned state's evidence and the prosecuting authorities had "his goods" on the spot of the gang. But after a little they would be let go back to the hospital.

How McGrath Escaped. The story of McGrath's escape itself he tells in substance as follows: "The night before the bunch were coming up for sentence there were many rumors of this and that flying about the jail. Sheriff Rose came up about 8 o'clock and two men who were said to be territorial grand jurors were with him."

"Rose spent a long time whispering to the men. When he left he said loudly, 'Well, see you tomorrow!'"

"Shortly before 9 o'clock Jack told me he wanted me to turn the water on in the bathroom. I did so. At this time both the inside and outside guards were asleep. Legros on the inside and Joe Lil on the outside. Afterwards I thought maybe they were drugged for they slept so heavy. I thought also maybe the outside man had some booze though I don't believe the inside guard had."

"While Jack was getting ready, I thought he was going out through the window and over the fence for one of his night trips. He was inside the bathroom when one of the guards woke up. 'Where's McGrath?' he asked me. 'In the bathroom,' I said and so he was. Then the guard went back to sleep again. Jack was in there changing his clothes."

"He asked me to give him a lift over the fence. But I figured he was just going out for a little while and knowing that all of the men were allowed to do what they pleased, I said, 'I'll open the gate for you.' I knew the gate wasn't locked or guarded."

"About this time I heard an auto outside the wall by the gate. It sounded like a horn twice. When I opened the gate I saw it—it was a big car, with the engine running steadily. The headlights were out but the sidelights were on."

"Jack jumped into the car. There

show cause why citation should not be made permanent.

Judge Ashford approves \$2500 bond for Henry B. Lewis. Edward K. Hunt bondsman.

FEBRUARY 25—Scully and Lewis plead innocent to first-degree robbery charge before Judge Ashford. Both at liberty, Scully on \$4000 bond and Lewis on \$2500 bond.

MARCH 1—Supreme court hears argument on writ of prohibition granted Sheriff Rose restraining Judge Ashford from compelling him to appear in court and explain discrepancy in returns on Lewis arrest.

MARCH 4—Sheriff Rose wins in legal fight to prevent answering to Judge Ashford for actions in Lewis arrest. Supreme court hands down decision making writ of prohibition perpetual. Writ granted on theory that Judge Ashford's order was issued without jurisdiction.

MARCH 5—Trial of Scully and Lewis begins in Judge Ashford's court. Charge is first degree robbery, men being accused of robbing Chinese of \$700.

MARCH 13—Jury, after four hours' deliberation, returns verdict of guilty of second degree robbery against Scully and Lewis.

## CHRONOLOGY OF McGRATH CASE

### Involved History of "Badger Games"

The many cases involved directly or indirectly with the escape of Jack McGrath on the night of April 30 are shown in the chronology below. In this summarized history of police, court and jail records only the main story of the McGrath case as it was prosecuted in the territorial court is related. The allied cases in the federal court, the charges there concerning opium deals, are not touched on, except in the case of Scully, the member of the gang who was not punished by the territorial court but was sentenced to a year and a half by the federal court.

The dates and notations below are those leading up to McGrath's arrest, trial and later escape and the events afterward which concern his pals.

McGrath Chronology.

FEBRUARY 4—John J. McGrath, former customs inspector, arrested and first exposure comes of "badger game" hold-ups by Henry B. Lewis and John T. Scully, former manager of Walkill Inn, and McGrath. Result of robbery of Chinese at McGrath's Deckley street home in Kalihi, night of February 3.

FEBRUARY 5—Charge of robbery lodged against McGrath early in afternoon. Warrants out for Scully and Lewis, sworn to by county attorney's office.

Scully arrested at 2:45 o'clock: charged with robbery, brought to police station, bond of \$1000 for release filed. Lewis also arrested, released on habeas corpus writ.

FEBRUARY 17—Lewis identified in police court by Ah Tim, Chinese, who said Lewis was man who drove car to Kalihi carrying Chinamen who were later robbed. This was at police court hearing of Scully, charged with robbery.

FEBRUARY 18—Scully and McGrath indicted by territorial grand jury on charge of first degree robbery. Indicted on three counts each.

FEBRUARY 19—Scully and McGrath arraigned before Judge Ashford, given further time to enter plea. Bond fixed at \$2500 each.

Second indictment charging first degree robbery returned against Scully and Lewis.

Following indictment, Judge Ashford issues warrant for arrest of Lewis.

FEBRUARY 20—Story that Scully, McGrath and Lewis unable yet to get bond fixed by Ashford but were out of jail in custody of officers from county sheriff's office.

Bench warrants issued February 19 for Scully and McGrath but not served and men not brought to station. Sheriff criticized for latitude given men.

FEBRUARY 21—Judge Ashford orders Scully and McGrath placed in jail, after publication of fact that men had been at liberty, in alleged custody of officers, since February 18, though bail not furnished.

FEBRUARY 22—Scully and McGrath released from jail on bond of \$4000 each. Meanwhile McGrath had been arrested by federal authorities on charge of handling opium, and released on bond of \$1000.

FEBRUARY 23—Sheriff Rose declares Scully and McGrath always in custody of police officers while permitted to stay at Makiki home of Attorney Claudius McBride. Says Of. Fern Stenmore and Hill had custody.

FEBRUARY 24—Judge Ashford issues order at 1:30 requiring Sheriff Rose to appear before him at 3 a. m. next day and show cause why he should not be found guilty of contempt of court. This an aftermath of order citing Rose to appear that afternoon and explain discrepancy in papers of arrest of Henry B. Lewis. Sheriff's return to court showed Lewis arrested Sunday. Lewis told court he had been placed under arrest on Monday.

FEBRUARY 25—Sheriff Rose fails to obey Judge Ashford's citation. On previous evening, through his attorney, he had obtained writ of prohibition from chief justice restraining Judge Ashford from compelling him to appear.

Judge Ashford cited to appear before two men on the back seat, as near as I could make out. The car hurried away and I went back.

"After awhile the inside guard waked up and realized that Jack was gone and was scared to death. He hunted everywhere. About 15 minutes later I saw that the outside guard was still asleep so I went and woke him up. I thought he'd have a fit! He was worse scared than the other. He acted like a wild man—waved his gun around—spilled cartridges out and scared me for fear he might accidentally shoot somebody. He got down, looked under the beds, and in the dispensary and bathroom. By this time McGrath was well away."

"When it was learned that McGrath had gone, it seemed like everybody around there but me knew he was making his final getaway. I was the last in the jail, it looked like, to hear the news."

"McGrath took one suit of clothes, no pajamas."

"I heard from the others that he was in town 18 days after he made his getaway, and that a few of that time he was living at his house. It also was talked that he had caught the steamer Makura for Sydney and made his getaway clean."

"When the jail authorities found out that McGrath was gone they sent Bower and Lewis over to the jail—no more hospital for them. Bogs was sick. He was allowed to stay. This made the third time the others had been sent over to jail. The other times they were allowed to come back to the hospital but not after this. The deputy ordered them to the jail."

"Neither on the night that McGrath escaped nor on any previous night for a long time was there any guard at the gate. So far as I know they never kept one there. It was the easiest thing in the world to make a getaway. The gate was not locked that night and I believe very often it was not locked. It was barred on the inside but it was easy to lift the bar and open the gate."

fore supreme court on March 1 and

to furnish new bond of \$2500 and meanwhile Lewis is released upon own recognizance in custody of police department until after sailing of Lurline at 4 p. m.

APRIL 14—George A. Bower and John T. McGrath plead guilty to second degree robbery. In Judge Ashford's court. Sentence set for April 24.

Bogs fails to appear in court. Attorney Straus presents physician's certificate showing that he is seriously ill with sciatic rheumatism and unable to attend. His case continued to April 17.

Bower, McGrath and Bogs all held in jail without bond. City Attorney Cathcart objects to renewal of bond and is supported by court. Defendants had been unable to raise bond amount, anyway.

APRIL 17—Bogs appears in court. Trial set for April 26.

Sentence of Scully and Lewis, convicted of second-degree robbery on March 13, further continued to May 1.

Lewis' attorney withdraws motion for new trial.

APRIL 26—Bogs withdraws plea of not guilty and pleads guilty to second-degree robbery. Sentence set for May 1. McGrath and Bower and Scully and Lewis (latter two on original conviction, May 13) ordered to appear for sentence at same time.

APRIL 30—McGrath escapes from county jail about 9 o'clock at night. Story as told by jail authorities is that he left about midnight, after securing permission from guard to go from hospital to another room, from which he made his getaway by a window. Various reports as to help from outside, ropes supplied, etc., also that he got away from Honolulu on old steamer J. A. Chanslor, which sailed for San Diego shortly after 1 o'clock a. m.

MAY 1—On this date McGrath, Bogs and Bower were to be sentenced. McGrath missing. Bogs, according to attorney and physician, too ill at county jail to attend. Bower present. Judge Ashford defers sentence until May 9 in all three cases. Also ordering sentencing of Scully and Lewis on same date.

MAY 5—Scully given suspended sentence of 13 months by Judge Ashford. Deputy City Attorney A. M. Brown tells court that it was due to Scully that indictments were found against Bogs, Bower and McGrath. Bogs and Bower, both of whom had pleaded guilty, sentenced.

Bogs given one week at hard labor and costs, his attorney pleading that he was expected to live possibly not more than two months.

Bower sentenced to Oahu prison for not more than three and one-half years at hard labor, and costs of court.

McGrath sentence not given, he being still missing, following jail-break.

Lewis sentenced to two years in prison at hard labor, and costs of court.

Star-Bulletin publishes report McGrath is on way to Mexico.

MAY 8—Fact published that another second-degree robbery charge still hanging against Scully, scheduled to come up in Judge Ashford's court on May 23. Reported case will be nolle prossed, Scully having turned state's evidence. Scully still under \$13,500 bond.

MAY 23—Last of second-degree robbery cases against McGrath and Scully called. McGrath still missing. Cases continued to June 26.

JUNE 4—McGrath reported to have been in San Francisco week previous.

JUNE 16—After two trials resulting in disagreements, jury in federal court finds Scully guilty of transporting opium. The federal case grew out of the "badger game" hold-up of the Chinese in Kalihi in February.

JUNE 21—Scully sentenced to year and a half in prison on federal charge of handling opium.

JUNE 22—Scully makes getaway from Honolulu in middle of night in power sampan with two pals, said to be Joe Ratta and H. L. McCutcheon. Jack Sproat, said to be owner of sampan, wirelessly from Moikoi that he has Scully and party, and next day Deputy U. S. Marshal Helms leaves to secure fugitive.

JUNE 24—Scully brought back to Honolulu in early morning. In federal court later his attorney announces he is ready to begin serving sentence of year and a half imposed by

Deputy City Attorney Brown opposes release of Bower in custody of counsel, Attorney Straus, to hunt for him. Judge Ashford agrees with Brown and denies attorney's plea.

MARCH 22—Scully, Bower, McGrath and Bogs arraigned in Judge Ashford's court. Bogs only pleads to charge—enters plea of not guilty. Case set for March 26 and other three ordered to plead at that time. Court reduces bonds of McGrath, Bower and Bogs from \$10,000 to \$7500.

MARCH 24—Judge Ashford sets April 10 for sentencing Scully and Lewis on first conviction.

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Federal Judge Clemons' for transporting opium.

Scully tells marshal he wished to get to Hilo to sail on "mystery ship" Mayerick. Scully sent to prison to begin sentence. Two other federal charges set aside until called up.

JUNE 25—Affidavits on file in federal court made public, sworn to by District Attorney McCann, George A. Bower, E. C. Reilly, P. H. Bogs and Mrs. Victoria Hyland, declaring Scully guilty of transporting and selling opium. Reilly is a federal prisoner, recently found guilty on an opium charge. Mrs. Hyland is a former steamship stewardess.

JUNE 26—Judge Ashford cancels Scully's bonds, amounting to \$12,500 and remands Scully to custody of high sheriff. This action taken on account of Scully's attempt to escape from Honolulu while charges pending against him in federal and territorial courts.

McGrath case still continued.

JULY 7—McGrath case against continued to July 17.

JULY 8—U. S. Commissioner Curry discharges Ratta and McCutcheon, who had been held by the territorial authorities accountable for assisting Scully in his attempted escape. Men held not to have broken law.

JULY 17—McGrath case in territorial court continued to August 2.

AUGUST 2—McGrath case continued until called up.

SEPTEMBER 30—McGrath case stricken from calendar, along with that of Scully on one of robbery indictments. City Attorney Brown moves striking of case until called up. Unofficially states his intention to revive McGrath case at any time McGrath may be apprehended and brought back to Honolulu.

Scully's involved experiences with the law were not yet over, though he had begun his sentence of a year and a half on the federal conviction. Just as the robbery and opium cases were being cleared away, the alleged conspiracy case, in which he, Motorcycle Officer Chilton and J. H. Fischer were implicated, was coming on for hearing. In this case the men were alleged to have conspired to keep a witness, Fischer himself, from a session of the liquor license board, the previous year, when Scully was running the Walkill Inn. Later the charge against Fischer was dropped.

The Scully-Chilton case, after much legal procedure, went to trial only a few days ago, and last Friday the two men were found not guilty.

Scully is still in the territorial prison, serving time on his federal sentence.

The new Hungarian war loan will bear 6 per cent interest and will be issued at 97 1/2, according to a Berlin despatch.

## CHIEF WITNESS WAS IN CHARGE OF DISPENSARY

Fred Gough at Hospital When Gangsters Were Kept There; Came From Jail Last Friday

Fred Gough, whose statement of the McGrath escape has been laid before the county attorney's office for presentation to the territorial grand jury, was sent to the county jail on January 28, 1915. He was convicted of passing a bad check and given a year's imprisonment. With time off for good conduct and the payment of the costs, he was released last Friday.

According to his story, he did not intentionally pass the bad check but expected to have some money deposited in the bank for him and drew a check against it. The man who was to have deposited the money failed to do so and the case against Gough was pressed. He was convicted.

Immediately upon his arrival at the jail he was placed in charge of the dispensary. The dispensary is in a small room opening off from the jail hospital. A bath room opens from the dispensary. An inside guard usually was stationed in the hospital room and an outside guard on the lanai outside the hospital. Both of these guards, he says, were negligent in their supervision.

When the members of the gang wished to get out for the night they would go into the dispensary and from there into the bathroom, open the window and jump out, then scaling the wall, the latter being easily performed.

President Poincaré of France, in declining to drink a glass of champagne with King George of England at their recent meeting, said he had made it a rule to drink no wine as long as the war lasted.

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